

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

FIFTH MARKET, INC., a Tennessee corporation,	:	
	:	
	:	
Plaintiff,	:	
	:	
v.	:	Civ. No. 1:08-cv-00520-UNA
	:	
CME GROUP, INC., a Delaware corporation,	:	
and CHICAGO MERCANTILE EXCHANGE, INC., a Delaware corporation,	:	
	:	
	:	
Defendants.	:	

DEFENDANTS' NOTICE OF RELATED ACTION

Pursuant to District of Delaware Local Civil Rule 3.1, Defendants CME Group Inc. and Chicago Mercantile Exchange Inc. hereby give notice of the following related action previously pending before this Court and assigned to the Honorable Judge Sue L. Robinson: *Fifth Market, Inc. v. CME Group, Inc., et al.*, Civ. No. 07-840-SLR, filed on December 21, 2007 and alleging infringement of the same patents that are asserted in this litigation (hereinafter, the "2007 Action"). In the 2007 Action, Judge Robinson issued an Order dated April 16, 2008 (D.I. 10) ordering the parties to exchange Rule 26 disclosures and submit a discovery plan at a June 2, 2008 scheduling conference. Shortly before the June 2nd scheduling conference, Fifth Market dismissed its complaint against CME Group Inc. without prejudice. Defendants CME Group Inc. and Chicago Mercantile Exchange Inc. respectfully request a scheduling conference at the Court's earliest convenience.

DATED: August 19, 2008

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